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Case 8287

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
M.M. Peffly et al. :
Serial No. 09/685,850 :
Confirmation No. 4193 : Group Art Unit 1615
Filed October 10, 2000 : Examiner: R.M. Bennett

For **SCALP COSMETIC COMPOSITIONS AND CORRESPONDING METHODS OF
APPLICATION TO PROVIDE SCALP MOISTURIZATION AND SKIN ACTIVE
BENEFITS**

Response to Non-Final Rejection

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Madam:

In response to the September 3, 2002 Office Action re-opening prosecution of the above-entitled application, please consider the following remarks.

Remarks

Claims 1-46 and 53-69 are pending in the present application. No additional claims fee is due.

Response to the Office Action**The Double Patenting Rejection**

Claims 1-20 and 53-69 have been provisionally rejected as claiming the same invention as that claimed in copending application 09/685,536 in view of McKay (US 5,325,878). In response, Applicants are submitting herewith a Terminal Disclaimer addressing the application. Applicants contend that the Terminal Disclaimer moots the double patenting rejection.